

REMARKS

By this Preliminary Amendment, claims 1-8 and 23-30 have been cancelled without prejudice for possible inclusion in a divisional application, claims 9, 20, and 31 have been amended, and new claims 44-48 have been added. Upon entry of the amendments, claims 9-22 and 31-48 will be pending in the present application. Reconsideration of the rejections and allowance of the pending claims are respectfully requested.

Rejection Under 35 U.S.C. § 112

In the Office Action, claims 20 and 31-43 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 20 and 32 have been amended by this response in light of the Examiner's comments. Withdrawal of the rejection is respectfully requested.

Rejection Under 35 U.S.C. § 102

In the Office Action, claims 9, 10, 12, 14, 19, 20, 22, 31-36, and 41 were rejected under 35 U.S.C. § 102(b) as being anticipated by the Earthlink reference. Claims 9, 20, and 31 have been amended by this response.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

Claims 9, 10, 12, 14, 19, 20, and 22 are not anticipated because the Earthlink reference does not disclose all of the recited features of the claims. The Earthlink reference discloses a website. However, the Earthlink reference does not disclose an

electronic information system, “wherein the electronic information system enables *only* employees of the business to access the information and to order the at least one of the product and the service,” as recited in amended independent claim 9. Therefore, the Earthlink reference does not disclose all of the recited features of amended independent claim 9.

Accordingly, claim 9 is not anticipated by the Earthlink reference. Claims 10, 12, 14, 19, 20, and 22 depend from independent claim 9. Thus, claims 10, 12, 14, 19, 20, and 22 also are not anticipated by the Earthlink reference.

Claims 31-36, and 41 are not anticipated because the Earthlink reference does not disclose all of the recited features of the claims. For example, the Earthlink reference does not disclose “a computer system” and “a website hosted by the computer system, wherein the website ... enables the employee to order at least one of a good and a service ... *wherein the computer system automatically routes a purchase order to the employer for approval and payment after the employee orders the at least one of the good and the service,*” as recited in amended independent claim 31.

Accordingly, claim 31 is not anticipated by the Earthlink reference. Claims 32-36 and 41 depend from independent claim 31. Thus, claims 32-36 and 41 also are not anticipated by the Earthlink reference.

For all of these reasons, the Earthlink reference does not anticipate claims 9, 10, 12, 14, 19, 20, 22, 31-36, and 41. Withdrawal of the rejection and allowance of the claims are respectfully requested.

First Rejection Under 35 U.S.C. § 103

In the Office Action, claims 11, 16, 17, 21, 37, 38, 42, and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Earthlink reference. Applicants respectfully traverse the rejection.

Claims 11, 16, 17, 21, 37, 38, 42, and 43 are patentable because the Earthlink reference does not disclose or suggest all of the recited features of the claims. Claims 11, 16, 17, 21, 37, 38, 42, and 43 depend from amended independent claims 9 and 31, respectively. For the reasons provided above, the Earthlink reference does not disclose all of the recited features of claims 9 and 31. Accordingly, the Earthlink reference does not disclose all of the recited features of claims 11, 16, 17, 21, 37, 38, 42, and 43.

Therefore, claims 11, 16, 17, 21, 37, 38, 42, and 43 are patentable over the Earthlink reference. Withdrawal of the rejection and allowance of the claims are respectfully requested.

Second Rejection Under 35 U.S.C. § 103

In the Office Action, claims 9-22, 31-37, and 39-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over King, Jr. et al. (hereinafter "King"), U.S. Patent No. 5,319,542, in view of Gardner et al. (hereinafter "Gardner"), U.S. Patent No. 5,758,327, and the Earthlink reference.

Claims 9-22 are patentable because the cited references, either alone or in combination, do not disclose or suggest all of the recited features of the claims. For example, one of the recited features of amended independent claim 9 that is not disclosed or suggested by the cited references is "an electronic information system adapted to produce a website ... to enable the employees of the business to use the website to order at least one of a product and a service ... wherein the electronic information system enables *only* employees of the business to access the information and to order the at least one of

the product and the service.” None of the references cited by the Examiner disclose or suggest an electronic information system “ wherein the electronic information system enables *only* employees of the business to access the information and to order the at least one of the product and the service,” as recited in claim 9. Therefore, the cited references do not disclose or suggest all of the recited features of amended independent claim 9.

Accordingly, amended independent claim 9 is patentable over the cited references. Claims 10-22 depend from amended independent claim 9. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, claims 10-22 are patentable over the cited references.

In addition, claims 31-37 and 39-43 are patentable because the cited references, either alone or in combination, do not disclose or suggest all of the recited features of the claims. One of the recited features of claim 31 that is not disclosed or suggested by the cited references is “a website hosted by the computer system, wherein the website ... enables the employee to order at least one of a good and a service to assist the employee perform employment functions *from a menu authorized by the employee based on the employee's job-functionr.*”

The Earthlink references discloses a website that provides information to a user. However, the Earthlink reference does not disclose or suggest a website that “enables the employee to order at least one of a good and a service to assist the employee perform employment functions *from a menu authorized by the employer based on the employee's job-function.*”

The King reference discloses an electronic catalog ordering process and system. However, the King reference does not disclose or suggest a website. Therefore, the King reference does not, and cannot, disclose or suggest a website, “wherein the website ...

enables the employee to order at least one of a good and a service to assist the employee perform employment functions from a menu authorized by the employer based on the employee's job-function."

The Gardner reference discloses a central computer system 10 connected to a number of independent companies 12, 14, and 16 and vendors 24, 26, and 28. *See Gardner*, col. 4, lines 44-46 and 61-64. However, the Gardner reference does not disclose or suggest a website, "wherein the website ... enables the employee to order at least one of a good and a service to assist the employee perform employment functions *from a menu authorized by the employer based on the employee's job-function.*" The vendors provide the electronic catalogs of the Gardner reference. The Gardner reference does not disclose that the catalogs are authorized by the employer or, more specifically, that the catalogs are "*a menu authorized by the employer based on the employee's job-function.*" Therefore, none of the cited references, either alone or in combination, disclose or suggest all of the recited features of claim 31.

Accordingly, claim 31 is patentable over the cited references. Claims 32-37 and 39-43 depend from amended independent claim 31. Therefore, claims 32-37 and 39-43 are patentable over the cited references.

For all of these reasons, claims 9-22, 32-37, and 39-43 are patentable over the cited references. Withdrawal of the rejections and allowance of the claims are respectfully requested.

New Claims

New claims 44-48 have been added by this response. The claims are fully supported in the specification and the claims do not add any new matter to the present application. The Applicants also believe the present claims to be patentably distinct from the prior art and in condition for allowance. The new claims do not increase the number

The Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: September 18, 2003

A handwritten signature in dark ink, appearing to read 'Ralph A. Graham', is written over a horizontal line.

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